

NEWS

NEW JERSEY DEPARTMENT OF

LWD

LABOR AND WORKFORCE DEVELOPMENT  
n j . g o v / l a b o r

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Department of Labor and  
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PO Box 110  
Trenton, New Jersey  
08625-0110

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RE: Proposed Readoption: N.J.A.C. 12:100  
Safety and Health Standards for Public Employees

Attached please find the above-referenced matter which was published in the  
Monday, September 20, 2004 *New Jersey Register*.

If you have any questions, please contact Frederick S. Cohen, Regulatory Officer  
I at 609-777-2960.

# LABOR AND WORKFORCE DEVELOPMENT

(a)

## DIVISION OF LABOR STANDARDS AND SAFETY ENFORCEMENT

### Safety and Health Standards for Public Employees Proposed Readoption: N.J.A.C. 12:100

Authorized By: Kevin P. McCabe, Commissioner, Department of Labor  
and Workforce Development.

Authority: N.J.S.A. 34:1-20, 34:1A-3(c), and 34:6A-25 et seq.,  
specifically 34:6A-30, 31 and 32.

Calendar Reference: See Summary below for explanation of  
exception to calendar requirement.

Proposal Number: PRN 2004-354.

A public hearing on the proposed readoption will be held on the following  
date at the following location:

Tuesday, October 19, 2004

10:00 A.M. to 12:00 Noon

New Jersey Department of Labor and Workforce Development  
John Fitch Plaza

1st Floor Conference Room  
Trenton, New Jersey 08625

Please call the Office of Regulatory Services at (609) 292-7375 if you wish  
to be included on the list of speakers.

Submit written comments by November 19, 2004 to:

Frederick S. Cohen, Regulatory Officer

Office of Regulatory Services

New Jersey Department of Labor and Workforce Development

PO Box 110—13th Floor, Suite G

Trenton, New Jersey 08625-0110

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If you need this document in Braille, large print or audio cassette, contact  
the Office of Communications at (609) 292-3221 or NJ Relay (TTY) 1-800-  
852-7899.

The agency proposal follows:

#### Summary

The New Jersey Public Employees Occupational Safety and Health Act  
(PEOSHA), N.J.S.A. 34:6A-25 et seq., was enacted to ensure that all public  
employees are provided with safe and healthful work environments free from  
recognized hazards. The rules which implement the Act are promulgated at  
N.J.A.C. 12:100-1.1 through 17.3. Pursuant to N.J.S.A. 52:14B-5.1c, these  
rules expire on February 22, 2005. The Department has reviewed the rules  
and has determined them to be necessary, reasonable and proper for the  
purposes for which they were originally promulgated. Consequently, the  
Department is proposing those rules for readoption without change at this  
time. A summary of the subchapters of N.J.A.C. 12:100 follows:

Subchapter 1 contains rules related to the authority, scope and validity of  
the chapter. Subchapter 2 covers definitions for terms used throughout the  
chapter. Subchapter 3 discusses the administration of the chapter, including  
the interrelation of the State agencies involved with the enforcement of the  
chapter. Subchapter 3A addresses the adoption by the Department of Federal  
Health and Safety Standards so that the State is in compliance therewith.  
Subchapter 4 sets forth general standards including a section for standards  
which are adopted from the Federal rules by reference. Subchapter 5  
addresses construction standards and Subchapter 6 provides agricultural  
standards. Subchapter 7 sets forth the standards for Hazard Communication.  
Subchapter 8 addresses work practices in indoor firing ranges. Subchapter 9  
is reserved. Subchapter 10 sets forth standards for safety equipment for  
firefighters. Subchapters 11 and 12 are reserved. Subchapter 13 addresses  
indoor air quality standards and Subchapters 14 through 16 are reserved.  
Finally, Subchapter 17 lists the standards and publications which are referred  
to throughout the chapter.

Because the Division has provided a 60-day comment period on this notice  
of proposal, this notice is excepted from the rulemaking calendar  
requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

#### Social Impact

The rules proposed for readoption will enable the Department to continue  
to help protect the safety and health of the public employees in the workplace.  
Enforcement of the rules will provide safe and healthful work environments  
free from recognized hazards, which is in the best interest of both employers  
and employees.

#### Economic Impact

Pursuant to N.J.S.A. 34:6A-26, the Legislature mandated that all public  
employees be provided with a safe and healthful work environment free from  
recognized hazards. The safety and health standards contained in the rules  
proposed for readoption were promulgated in accordance with this legislative  
mandate. The rules proposed for readoption, by providing a safe and healthful  
workplace, will decrease the number of occupational injuries and illnesses  
among employees. They will also decrease the amounts expended in workers'  
compensation benefits, medical expenses and lost wages. Public employer  
compliance costs might be present in the form of equipment modification  
costs and worker training costs. However, the Department is constrained by  
the law which requires that these programs be adopted. Moreover, the  
Department feels that the benefits provided by the rules outweigh any costs  
associated with implementing the standards.

#### Federal Standards Statement

The rules proposed for readoption do not contain any standards or  
requirements which exceed standards or requirements imposed by Federal  
law. See 29 U.S.C. §§651 et seq. Therefore, a Federal standards analysis is  
not required.

#### **Jobs Impact**

The rules proposed for readoption will not have an impact on jobs. The Department does not anticipate an increase or decrease in jobs as a result of the readoption of this chapter.

#### **Agriculture Industry Impact**

The rules proposed for readoption will have no impact on the agriculture industry.

#### **Regulatory Flexibility Statement**

The rules proposed for readoption do not impose any reporting, recordkeeping or compliance requirements on small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., since only public employers are affected by the rules.

#### **Smart Growth Impact**

The Department does not anticipate that the rules proposed for readoption will have any impact on smart growth in New Jersey or on the implementation of the New Jersey State Development and Redevelopment Plan.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 12:100.